

**CHILDREN AND YOUNG PEOPLE
 SCRUTINY COMMITTEE
 4 MARCH 2016**

PRESENT: COUNCILLOR J D HOUGH (CHAIRMAN)

Councillors R Wootten (Vice-Chairman), B Adams, W J Aron, Mrs J Brockway, S R Dodds, B W Keimach, Ms T Keywood-Wainwright, Mrs H N J Powell, Mrs S Ransome, Mrs L A Rollings, Mrs N J Smith, S M Tweedale, M A Whittington, L Wootten and Mrs S M Wray.

Added Members

Church Representatives: Mr P Thompson.

Parent Governor Representatives: Dr E van der Zee.

Councillors A M Austin, Mrs P A Bradwell (Executive Councillor for Adult Care and Health Services, Children's Services), D Brailsford (Executive Support Councillor for Children's Services), Mrs M J Overton MBE and P Wood were also in attendance.

Officers in attendance:-

Debbie Barnes (Executive Director of Children's Services), Keith Batty (Director of Programme, CfBT Education Services), Stuart Carlton (Assistant Director Children's Lead Early Help), David Coleman (Chief Legal Officer), Cheryl Hall (Democratic Services Officer), Tracy Johnson (Senior Scrutiny Officer), Mary Meredith (Children's Services Manager, Inclusion), Wayne Oldfield (Inclusion Vice-Principal), Ben Pearce (Headteacher at Skegness Academy), David Robinson (School Services Manager), Heather Sandy (Chief Commissioning Officer for Learning), Sally Savage (Chief Commissioning Officer - Children's) and Vincent Van Doninck (Graduate Management Trainee).

The Chairman welcomed the Headteachers, pupils and parents who were in attendance at the meeting for Minute 62 – Review of the Council's Home to School Transport Policy in relation to Discretionary Grammar School Transport – Draft Final Report.

59 APOLOGIES FOR ABSENCE / REPLACEMENT MEMBERS

The Chairman advised the Committee that two new Parent Governor Representatives had been elected to sit on the Committee. The Committee welcomed back Dr E van der Zee, who was a former Parent Governor Representative on the Committee. The Chairman advised that Mrs P Barnett, who had also been elected as a Parent Governor Representative, was unable to attend

the meeting owing to unforeseen circumstances but would be in attendance at the meeting on 15 April 2016.

Apologies for absence were received from Councillor A G Hagues and Added Members: Mrs P Barnett and Mr S C Rudman.

It was noted that the Chief Executive having received notice under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990, had appointed Councillor M A Whittington as a replacement member on the Committee in place of Councillor C R Oxby, for this meeting only.

60 DECLARATIONS OF MEMBERS' INTERESTS

There were no declarations of interest at this point in the meeting.

61 MINUTES OF THE MEETING HELD ON 15 JANUARY 2016

RESOLVED

That the minutes of the meeting held on 15 January 2016 be signed by the Chairman as a correct record.

62 REVIEW OF THE COUNCIL'S HOME TO SCHOOL TRANSPORT POLICY IN RELATION TO DISCRETIONARY GRAMMAR SCHOOL TRANSPORT - DRAFT FINAL REPORT

Consideration was given to a report by Tracy Johnson (Senior Scrutiny Officer), which presented the report of the Task and Finish Group on the Council's Home to School Transport Policy in relation to Discretionary Grammar School Transport. The Task and Finish Group was proposing to submit the following two options to the Executive for its consideration: -

- "Option One – To leave the Grammar School Transport Policy as it is, but review it in two years;
- Option Five – Charge pupils living in grammar school Designated Transport Areas for transport to a grammar school where it is not the nearest suitable school. This should be introduced to new pupils, excluding pupils with siblings at the same grammar school, on a phased basis with some level of financial support for pupils in receipt of free school meals."

The Chairman referred to a letter from the Chair of the Lincolnshire Consortium of Grammar Schools, which outlined concerns about the review and the Report. The Committee was advised that a response had been sent to the Chair of the Lincolnshire Consortium of Grammar Schools from the Chairman of the Task and Finish Group. The correspondence had suggested that the Council had a statutory duty to transport children to their nearest grammar school because for a child with the necessary aptitude that was the nearest suitable school. As a result, the Executive Director of Children's Services provided advice on the relevant provisions of the Education Acts.

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The legal advice concluded that the existence of a grammar school in an area did not change either the nature or the obligations of other schools in the area in relation to their responsibilities to teach pupils across the ability range. Since that responsibility existed it would be very difficult to argue in law that the provision made by non-selective schools was unsuitable, since the law would expect those responsibilities to be fulfilled. Therefore a non-selective school in a selective area would have to offer teaching across the ability range and would be considered to be a suitable school.

The Chairman of the Task and Finish Group presented the Report to the Committee and in doing so, referred to an email from one of the campaign group members which had also highlighted concerns with the review and the Report. In response to the points raised, the Chairman highlighted the following: -

- The Task and Finish Group had examined the Designated Transport Areas for grammar schools in detail and had reflected on the fairness of the policy, and the differing opinions of the members were reflected in the Report;
- The Task and Finish Group did not have access to parental contact details, owing to data protection provisions. All the schools who were invited to participate were asked to let their parents know of the parental meeting. The extent of the engagement of the Task and Finish Group and the rationale for this were detailed in the Report;
- The arrangements for inviting headteachers to participate were explained;
- Four proposals from the campaign groups were considered by the Task and Finish Group and they were detailed in the report. These options were discounted when the Task and Finish Group decided against extending the Designated Transport Areas;
- The requirement for an Equality Impact Assessment would only apply for reports for decision either to the Executive or Executive Councillor and did not apply to the Task and Finish Group, which could only make recommendations;
- It was confirmed that all elements of the scoping document had been undertaken as part of the review, with the exception of the Equality Impact Assessment, which legal advice had subsequently indicated was not required;
- It was reiterated that the Task and Finish Group had considered the questions of fairness and they had also considered the Designated Transport Areas;
- It was confirmed that the reason for the proposals for a review in two years' time was owing to the current financial position of the Council; and
- In relation to option five in the Report, it was clarified that any charge would not cover the full cost and that the cost for transport would still be subsidised by the Council. However, it was reiterated that the level of any charge would be a matter for the Executive to decide.

The Chairman invited other Members of the Task and Finish Group to speak, where the following points were noted: -

- The Chairman of the Task and Finish Group was thanked for her chairmanship of the Task and Finish Group;
- It was reiterated that the Task and Finish Group had examined all facts put before it and considered the legalities of each option;

- It was stated that the County Council provided free transport to 3871 grammar school pupils at an average cost of £640 per pupil, per year. One member of the Task and Finish Group therefore supported Option Five of the Report;
- One of the Members questioned the extent of the engagement with stakeholders and also questioned whether the Task and Finish Group had fulfilled the objectives, as set out in the scoping document. It was alleged that Option 1 of the Report was unfair and would not eliminate discrimination across the County. It was also alleged that Option Five would not meet the needs of the 25% of the County which fell outside the Designated Transport Areas;
- Two Members of the Task and Finish Group urged the Committee to amend Option Five, as follows: 'Charge pupils for transport to a grammar school where it is not the nearest suitable school. This should be introduced to new pupils, excluding pupils with siblings at the same grammar school, on a phased basis with some level of financial support for pupils in receipt of free school meals';
- One of the Members of the Task and Finish Group alleged that the Recommendations in the Report did not remove disadvantage in some instances. The same Member stated that every child should be able to attend the school that was best for them and families should not feel that they have to move to obtain a place in a school of their preference.

A County Councillor representing an electoral division in Boston addressed the Committee and suggested an alternative approach whereby the funded entitlement to transport to a pupil's nearest school would be put towards the cost of travel to a grammar school at a further distance, with the parents paying the difference.

Members of the Committee were invited to ask questions, where the following points were noted: -

- It was stated that the County Council had an equal commitment to pupils in any type of school, and it should not be seen to be harming the viability of other schools by just supporting grammar schools alone;
- Pupils could flourish in other types of schools to the same level as those who attend grammar schools;
- It was commented that although the County Council had followed legislation, it was felt that the legislation was dated;
- It was also commented that although the County Council was obliged to support all schools, parents should still have a right to decide which school their child should attend. Therefore, the Task and Finish Group was urged to reconsider its recommendations;
- A view was put forward that in the future only those parents who could afford it would send their children to grammar schools;
- A Member of the Committee expressed their support for Option One within the Report;
- It was stressed to the Committee that there were a number of high quality secondary modern and comprehensive schools operating in Lincolnshire and grammar schools benefited from a traditional position of superiority; and

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- The Chairman of the Task and Finish Group reiterated that a wide range of views were taken into account as part of the Review, which had included views from schools, parents, chair of governors, members of the public and groups such as the Youth Cabinet.

The Committee agreed by a majority decision to support the recommendations in the Report.

The Committee thanked the Members of the Task and Finish Group and supporting officers for their hard work on the Review.

RESOLVED

- (1) That the draft final report on the Review of the Council's Home to School Transport Policy in relation to Discretionary Grammar School Transport be approved.
- (2) That approval be given to the submission of the final report to the Executive on 5 April 2016 for its consideration and response.

NOTE: At this point in the proceedings, Councillor Mrs L A Rollings entered the meeting.

63 INCLUSIVE LINCOLNSHIRE STRATEGY

A report by Mary Meredith (Service Manager – Inclusion) was considered, which presented the Inclusive Lincolnshire Strategy and updated the Committee on progress in relation to reducing school exclusions.

Members were advised that children in Lincolnshire were more likely to be excluded than in many other Local Authority areas. A chart on page 66 of the report showed that for those Local Authorities that had published data, Lincolnshire was ranked 135th out of 139 for permanent exclusions from all school types.

Members were also advised that whilst it was recognised that there was no single solution to reducing the number of exclusions, the Inclusive Lincolnshire Strategy had outlined synergistic change across schools, the Local Authority and providers in order to achieve better outcomes for Lincolnshire schools and pupils.

The Headteacher and the Inclusive Vice-Principal of Skegness Academy addressed the Committee and provided examples of their progress on inclusion. In response to questions raised, the following points were noted: -

- The Headteacher and the Inclusive Vice-Principal advised Members that as part of their work on inclusion, they had put in additional resources to work with perpetrators to understand and address the reasons behind this type of behaviour;
- It was noted that victims of bullying usually expected the perpetrator to be excluded from the school and this was a difficult expectation to manage;

- The Headteacher and the Inclusive Vice-Principal were encouraged to share their best practise examples with other schools.

Members were provided with an opportunity to ask questions, where the following points were noted: -

- Members were assured that Lincolnshire schools had responded very positively to the Inclusive Lincolnshire Strategy. It was noted that there was good evidence to show that schools were moving in a more inclusive direction, even before the Behaviour Outreach Support Service (BOSS) was brought to them;
- Early data had shown a drop in permanent exclusions during term three, which should hopefully indicate an appetite for change. Members were assured that officers would continue to monitor data to ensure lower rates were sustained. It was anticipated that the BOSS would consolidate and accelerate progress;
- The Lincolnshire Learning Partnership Board and the Lincolnshire Schools' Forum had been considering a range of strategies to support and challenge Lincolnshire schools and academies to reduce the number of permanent exclusions;
- The Inclusive Lincolnshire Strategy had explored the potential impact and appetite for schools to pay a reintegration charge where headteachers could not demonstrate that they had met an agreed ladder of intervention expected of all schools. Such a levy would be in the region of £25k. However, Members were advised that in the spirit of shared vision and collaboration, officers would first want to assess the impact of the BOSS as it was hoped that it would drive a more inclusive approach and that headteachers would recognise the need for consistency and engagement with the ladder of intervention without the need for a levy;
- It was suggested that officers engaged with school governing bodies as another way to address exclusion rates;
- It was noted that academies with high exclusion rates could be referred to the Regional Schools Commissioner;
- It was also noted that the behaviour outreach service was financed through the schools;
- Members were advised that the figures for Lincolnshire had not shown a significant difference in exclusion rates between academies and maintained schools;
- It was suggested that a working group was established to further explore Lincolnshire's high exclusion rate six months post implementation of the new pathway if no improvement was noted.

RESOLVED

- (1) That the report and comments made be noted.
- (2) That a working group be established to further explore Lincolnshire's high exclusion rate.

64 LINCOLNSHIRE LOCAL AUTHORITY SCHOOL PERFORMANCE 2014-15

Consideration was given to a report which summarised the 2014-15 performance of Lincolnshire schools for the Children and Young People Scrutiny Committee, following the release of validated performance data by the Local Authority Performance team on 2 February 2016.

The Committee was informed that the report provided information on the academic performance of pupils in Lincolnshire schools compared with national, East Midlands and Lincolnshire's statistical neighbour data averages, from Early Years until the end of Key Stage (KS) 5.

The Director of Programmes, CfBT Education Services, advised the Committee that this would be his last time presenting at the meeting. Members thanked him for his support and contributions to the Committee.

NOTE: At this stage in the proceedings, Dr E van der Zee left for the remainder of the meeting.

Members were provided with the opportunity to ask questions in relation to the information contained within the report and some of the points raised during discussion included the following:

- Members expressed their concern over the slippage in academic performance of pupils in Lincolnshire schools, compared to Lincolnshire's statistical neighbours. Further to this, it was suggested that officers engaged with teachers, rather than headteachers, to ascertain what the issues were and why they felt performance was slipping;
- Members were reminded that Lincolnshire had adopted a sector-led approach for the delivery of its school improvement service, which was delivered via a tiered approach to school improvement based on peer review. Members were assured that those schools which had recently been subjected to a peer review had found it to be robustly challenging and had benefited from the process. Members were also advised that although CfBT Education Services would no longer be providing the Council's School Improvement Service, there was a small team of Education Advisors within the County Council which would provide support to the sector-led school improvement service;
- A concern was raised as it was felt that the wider curriculum which included subjects on the arts were being phased out by Government, with more of a focus being placed on academic subjects. Further to this, it was noted that Progress 8 could have a negative impact on smaller secondary schools, as they may not have capacity to offer the wider curriculum that was required;
- It was requested that more emphasis was placed on the data on looked after children;
- The Director of Programmes was thanked by the Committee for CfBT Education Services' work on the Pupil Premium;
- It was noted that some schools had chosen to be measured by Progress 8 for this academic year; and

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- One of the most significant challenges local authorities would be faced with in future years would be a national shortage of teachers;
- It was suggested that a working group on school performance was established.

The Chairman thanked the Director of Programmes for his detailed report.

RESOLVED

- (1) That the report and comments made be noted.
- (2) That a working group on school performance be established.

65 PERFORMANCE - QUARTER 3 2015/16

Consideration was given to a report which provided key performance information for Quarter 3 2015/16, which was relevant to the work of the Children and Young People Scrutiny Committee.

The Chief Commissioning Officer – Children's presented the report to the Committee. In response to a question, Members were advised that the two anonymous complaints about an outbreak of infection in one school had related to a small number of children contracting tuberculosis at a school in Mablethorpe.

At this stage in the proceedings it was moved, seconded and:

RESOLVED

That in accordance with section 100(A) (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the consideration of Appendix D to the report on the grounds that if they were present there could be a disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

The Chairman invited Members of the Committee to ask questions in relation to Appendix D of the report and officers responded to those questions raised.

At this stage in the proceedings it was moved, seconded and:

RESOLVED

That after the consideration of exempt information, as defined above, the remainder of the meeting be held in public.

RESOLVED

That the comments made in relation to the performance information be noted.

66 CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE WORK
PROGRAMME

Consideration was given to a report which provided the Committee with an opportunity to consider its own work programme for the coming year.

The Senior Scrutiny Officer advised Members that a report on 'Consultation on future provision of dedicated speech and language/primary units' had been added to the agenda for the meeting of the Committee on 15 April 2016. It was noted that this item would also be considered by the Committee on 27 May 2016 for pre-decision scrutiny, prior to a decision on 10 June 2016.

The Senior Scrutiny Officer reminded Members that there was a Progress 8 and Assessment Workshop following the meeting, commencing at 2.00 pm.

RESOLVED

That subject to the inclusion of any amendments made at the meeting, the work programme be approved.

The meeting closed at 1.05 pm.